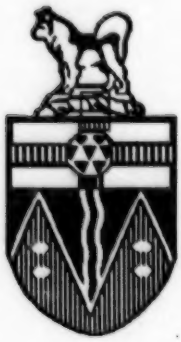
YUKON TEACHERS'
STAFF RELATIONS BOARD



TWENTY-THIRD ANNUAL REPORT
1996-1997

COMPOSITION OF THE BOARD

Chairperson:	Yvon Tarte
Members:	P. Chodos Marguerite-Marie Galipeau M. Korngold Wexler
Part-Time Adjudicators:	Stephen Kelleher Judy Korbin Kenneth E. Norman Colin Taylor, Q.C.

102-07246/

REPORT ON THE ADMINISTRATION OF THE COLLECTIVE BARGAINING PROVISIONS OF THE YUKON EDUCATION ACT FOR THE FISCAL YEAR ENDING MARCH 31, 1997

INTRODUCTION

During the year under review, proceedings under the legislation were limited to an application for certification, adjudication of grievances and employees temporarily assigned management duties under Section 214 of the Act.

APPLICATION FOR CERTIFICATION

During the year the Board had before it one application for certification.

The application was filed by the Yukon Teachers Association in respect of a unit of employees referred to as "educators" or "temporary educators". The educators are excluded from the teachers bargaining unit due to their temporary status. The educators include native language instructors, tutors, teachers and educational assistants. The applicant applied under the Yukon Public Service Staff Relations Act although it is the certified bargaining agent for employees under the Yukon Education Act. The employer questioned the jurisdiction of the Board to entertain this application under the Education Act. The Board dealt with the issue of jurisdiction by way of written submissions. The Board dismissed the application for want of jurisdiction (Board file 240-YG-7, 340-YT-1).

GRIEVANCES/ADJUDICATION

During the year, the Board had before it four grievances one of which was carried over from the previous year.

The case carried over concerned a termination of employment filed in 1991. The matter had been held in abeyance at the request of the parties pending the judicial review in the Territory's Supreme Court. The parties have indicated that the matter could now be scheduled and this case will now be heard in the next fiscal year.

Two of the three grievances referred during the year dealt with two-day suspensions and the other grievance concerned a termination of employment. All three grievances are scheduled to be heard in the new fiscal year.

MANAGERIAL AND CONFIDENTIAL EXCLUSION

The application was filed during the year under review. The employer filed a proposal pursuant to section 214 of the Act to exclude an employee from the bargaining unit for reasons that the employee was temporarily performing managerial duties. The bargaining agent did not oppose the proposed exclusion and consequently the case was terminated and the file closed.